

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

J.P. WASHINGTON §
VS. § CIVIL ACTION NO. 9:15cv137
CHARLES BELL, ET AL. §

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff J.P. Washington, an inmate at the Eastham Unit, proceeding *pro se*, brought this civil rights suit pursuant to 42 U.S.C. § 1983 against prison officials.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends the action be dismissed for want of prosecution.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record and pleadings. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes plaintiff's objections are without merit.

Plaintiff objects to the dismissal of this action based on his failure to pay the initial partial filing fee. Plaintiff contends he had his fiance, Jill Davis, send the initial partial filing fee to the court. On April 14, 2016, however, plaintiff was notified the court has not received the initial partial filing fee, and he was granted a fifteen day extension of time to pay the initial partial filing fee. As of this date, however, plaintiff has failed to pay the initial partial filing fee.

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is

ADOPTED. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

SIGNED this 28th day of July, 2016.



Michael H. Schneider
MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE